

Bill No.: \_\_\_\_\_

Requested: \_\_\_\_\_

Committee: \_\_\_\_\_

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## A BILL ENTITLED

1 AN ACT concerning

2 **Human Services – Residential Child Care Program – Bill of Rights**

3 FOR the purpose of providing that a contract awarded or renewed between a certain  
4 agency and a provider of a residential child care program shall require the  
5 provider to conspicuously post a “Residents’ Bill of Rights” in the facility of the  
6 provider that includes certain rights; requiring a provider of a residential child  
7 care program to develop and, on placement, provide to residents and their  
8 parents or legal guardians a handbook of the policies of the provider and the  
9 contracting agency as they relate to certain issues; providing that nothing in  
10 this Act precludes an agency or provider from providing additional rights to a  
11 resident; and generally relating to residential child care programs.

12 BY repealing and reenacting, without amendments,

13 Article – Human Services

14 Section 8–701

15 Annotated Code of Maryland

16 (2007 Volume)

17 BY adding to

18 Article – Human Services

19 Section 8–707

20 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



21 (2007 Volume)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Human Services**

25 8–701.

26 (a) In this part the following words have the meanings indicated.

27 (b) “Agency” means:

28 (1) the Department of Health and Mental Hygiene;

29 (2) the Department of Human Resources; or

30 (3) the Department of Juvenile Services.

31 (c) “Certified program administrator” means an individual who is:

32 (1) certified by the State Board for Certification of Residential Child  
33 Care Program Administrators under Title 20 of the Health Occupations Article; and

34 (2) responsible for the day-to-day management and operation of a  
35 residential child care program.

36 (d) “Plan” means the State Resource Plan for Residential Child Care  
37 Programs.

38 (e) “Provider” means a for profit or not for profit entity licensed by an agency  
39 to operate a residential child care program.

40 (f) “Residential child care program” does not include sites licensed by the  
41 Developmental Disabilities Administration.

42 **8–707.**

43           (A)    A CONTRACT AWARDED OR RENEWED BETWEEN AN AGENCY AND A  
44 PROVIDER SHALL REQUIRE THE PROVIDER TO:

45                   (1)   POST CONSPICUOUSLY A "RESIDENTS' BILL OF RIGHTS" IN  
46 THE FACILITY OF THE PROVIDER STATING THAT A RESIDENT HAS A RIGHT:

47                           (I)   TO BE TREATED WITH FAIRNESS, DIGNITY, AND  
48 RESPECT;

49                           (II)   TO RECEIVE APPROPRIATE AND REASONABLE ADULT  
50 GUIDANCE, SUPPORT, AND SUPERVISION, CONSISTENT WITH THE RESIDENT'S  
51 AGE AND LEVEL OF DEVELOPMENT;

52                           (III) NOT TO BE ABUSED, MISTREATED, THREATENED,  
53 HARASSED, OR SUBJECTED TO CORPORAL PUNISHMENT OR TO OTHER UNUSUAL  
54 OR EXTREME METHODS OF DISCIPLINE;

55                           (IV) TO HAVE THE RESIDENT'S OPINION HEARD AND TO BE  
56 INCLUDED, TO THE GREATEST EXTENT POSSIBLE AND CONSISTENT WITH THE  
57 RESIDENT'S AGE AND LEVEL OF DEVELOPMENT, WHEN MAJOR DECISIONS,  
58 INCLUDING REGULAR CASE PLANNING MEETINGS, ARE BEING MADE AFFECTING  
59 THE RESIDENT'S LIFE;

60                           (V)   TO REASONABLE AND CLINICALLY APPROPRIATE  
61 VISITATION, MAIL, AND TELEPHONE COMMUNICATION WITH RELATIVES,  
62 FRIENDS, ATTORNEYS, SOCIAL WORKERS, THERAPISTS, AND GUARDIANS AD  
63 LITEM;

64                           (VI)  TO HAVE THE RESIDENT'S RELATIVES AND DESIGNATED  
65 REPRESENTATIVES, WHO ARE AUTHORIZED IN WRITING BY THE CONTRACTING  
66 AGENCY, TO COMMUNICATE WITH THE FACILITY OF THE PROVIDER, ASK  
67 QUESTIONS OF THE FACILITY OF THE PROVIDER, AND HAVE QUESTIONS  
68 ANSWERED PROMPTLY BY THE FACILITY OF THE PROVIDER;

69                           (VII) TO LANGUAGE TRANSLATION, IF NECESSARY; AND

70                           (VIII) NOT TO BE DISCRIMINATED AGAINST ON THE BASIS OF  
71 RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS,

72 PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY  
73 RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY,  
74 SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS; AND

75 (2) DEVELOP AND, ON PLACEMENT, PROVIDE TO RESIDENTS AND  
76 THEIR PARENTS OR LEGAL GUARDIANS A HANDBOOK OF THE POLICIES OF THE  
77 PROVIDER AND THE CONTRACTING AGENCY AS THEY RELATE TO:

78 (I) THE MISSION OF THE PROGRAM;

79 (II) PLACEMENT AND DISCHARGE;

80 (III) DAILY ROUTINES;

81 (IV) TREATMENT STRATEGIES;

82 (V) DISCIPLINARY PRACTICES;

83 (VI) VISITING HOURS;

84 (VII) COMMUNICATION PROCEDURES WITH RESIDENTS;

85 (VIII) GRIEVANCE PROCEDURES;

86 (IX) HEALTH CARE ACCESS;

87 (X) RELIGIOUS EXERCISE ACCESS;

88 (XI) EMERGENCY TELEPHONE CONTACT INFORMATION;

89 (XII) FAMILY INVOLVEMENT;

90 (XIII) ATTORNEY ACCESS;

91 (XIV) COMMUNITY INTEGRATION;

92 (XV) EDUCATION;

93                               **(XVI) MEDICAL AND DENTAL CARE;**

94                               **(XVII) RECREATION;**

95                               **(XVIII) LIFE SKILLS TRAINING;**

96                               **(XIX) CLOTHING;**

97                               **(XX) PERSONAL FUNDS; AND**

98                               **(XXI) FOOD AND NUTRITION.**

99               **(B)   NOTHING IN THIS SECTION PRECLUDES A CONTRACTING AGENCY**  
100   **OR PROVIDER FROM PROVIDING ADDITIONAL RIGHTS TO A RESIDENT.**

101               SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
102   October 1, 2008.